

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 95-1857**

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BRITTANY NECOLE FULTON, by her parent and  
natural guardian, Anita Joanne Fulton; GENEVA  
FULTON; ANITA JOANNE FULTON,

Plaintiffs - Appellants,

versus

WESTVACO CORPORATION,

Defendant - Appellee.

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Appeal from the United States District Court for the District of  
South Carolina, at Charleston. David C. Norton, District Judge.  
(CA-94-975-18-2, CA-94-976-18-2, CA-94-977-18-2)

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Argued: May 9, 1996

Decided: June 14, 1996

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Before HALL and LUTTIG, Circuit Judges, and CHAPMAN, Senior Circuit  
Judge.

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Affirmed by unpublished per curiam opinion.

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**ARGUED:** Francis Patrick Hubbard, School of Law, UNIVERSITY OF SOUTH  
CAROLINA, Columbia, South Carolina, for Appellant. G. Dana  
Sinkler, WARREN & SINKLER, Charleston, South Carolina, for  
Appellee. **ON BRIEF:** Richard S. Rosen, P. Brandt Shelbourne, ROSEN,  
ROSEN & HAGOOD, P.A., Charleston, South Carolina, for Appellant.  
Elizabeth T. Thomas, WARREN & SINKLER, Charleston, South Carolina,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).



PER CURIAM:

Brittany Necole Fulton, Geneva Fulton, and Anita Joanne Fulton appeal the order granting summary judgment to Westvaco Corporation in the Fultons' tort action for damages arising out of a motor vehicle accident. The Fultons claimed that the driver of a logging truck was allegedly at fault and that he was acting as an employee of Westvaco at the time of the accident. The district court held that the driver of the truck was an independent contractor and, therefore, Westvaco was not liable under the principle of respondeat superior. Our review of the record, the district court's memorandum opinion, and the arguments of counsel discloses that this appeal is without merit. Accordingly, we affirm on the reasoning of the district court. Fulton v. Westvaco Corp., C/A No. 2:94-0975-18 (D.S.C. March 17, 1995) ('Order').

AFFIRMED